

REMARKS

Claims 2, 7-14, and 16 are pending in this application. Claims 11-14 stand rejected. By this amendment, claim 11 is amended. Applicants wish to thank the Examiner for the indication of allowance of claims 2, 7-10 and 16. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claims 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,534,913 ("Majeti") in view of U.S. Patent No. 5,859,662 ("Cragun"). Applicants respectfully traverse this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicants.

Among the limitations of independent claim 11 not present in the cited references is "a broadcast resource receiver receiving at least a first broadcast stream, said broadcast stream receiver being responsive to a unified notation, said unified notation identifying at least a first broadcast stream and a second broadcast stream,

said unified notation being independent from a capture route, a capture time and an inherent name, said first and second broadcast stream being independent of each other".

In Majeti, there is only a single broadcast stream connected to the user equipment 20 and more particularly, only a single broadcast stream is presented to set-top box 62. While the cable stream contains multiple channels, this is only a single broadcast stream. This is not the first and second physically independent broadcast streams recited in Applicants' claims. In the cited references, the program being transmitted to the user device is broadcast on one broadcast path. In the cited references, there are a plurality of channels broadcast on one broadcast path. According to these cited references, when reception of a program fails due to a fault in the broadcast path, receiving the program by means of the second broadcast path, i.e., another channel, also becomes impossible due to the same failure (a physical fault) in the broadcast path. This is because the broadcast path is not two physically separate paths.

In contrast, according to Applicant's explicitly recited claim limitations, the first broadcast stream and the second broadcast stream are physically different from one another. Thus, if there is a fault in the first broadcast stream, the second broadcast stream is available. As such, Majeti fails to disclose the broadcast streams explicitly recited in Applicant's claim.

The Office Action acknowledges that Majeti fails to disclose an arbitrary portion of one of said broadcast streams being cut and then transferred onto a communication map. Applicants agree with this assertion especially because Majeti

fails to disclose the first and second broadcast streams. In an attempt to cure the acknowledged deficiency, the Office Action includes Cragun in the rejection. Whether or not Cragun discloses an arbitrary portion of one of multiple broadcast streams being cut and transferred onto a communication route is irrelevant as Cragun fails to cure the deficiency discussed above. As such, Applicants respectfully assert that claims 11-14 are allowable over the cited references.

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested. In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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